

**MINUTES OF THE  
REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF EDINA, MINNESOTA  
CITY COUNCIL CHAMBERS  
JANUARY 22, 2014  
7:00 PM**

**I. CALL TO ORDER**

**II. ROLL CALL**

Answering the roll call were: Scherer, Schroeder, Fischer, Potts, Kilberg, Halva, Carr, Platteter, Forrest, Staunton

Absent from the roll: Grabiell

**III. APPROVAL OF MEETING AGENDA**

Commissioner Potts moved approval of the meeting agenda. Commissioner Platteter seconded the motion. All voted aye; motion carried.

**IV. APPROVAL OF CONSENT AGENDA**

Commissioner Carr moved approval of the January 8, 2014, meeting minutes. Commissioner Fischer seconded the motion. All voted aye; motion carried.

**V. COMMUNITY COMMENT**

Chair Staunton asked if anyone would like to speak; being none, Commissioner Potts moved to close community comment. Commissioner Platteter seconded the motion. All voted aye; public comment closed.

**VI. REPORTS AND RECOMMENDATIONS**

**A. Richard Sahara – 5508 Dever Drive, Edina, MN**

Chair Staunton explained that the applicant has requested that this item be continued.

## **B. Sketch Plan Review – 3923 West 49<sup>th</sup> Street, Edina, MN**

---

Planner Teague informed the Commission they are being asked to consider a sketch plan proposal to tear down a single-family home and construct a double dwelling unit at 3923 49<sup>th</sup> Street. The property is located adjacent to the 50<sup>th</sup> and France retail area; just north of the former Edina Realty Building site, now owned by the City of Edina, and east of a four story apartment building. The applicant would seek a Rezoning to R-2 to allow the use; and several Variances.

Teague explained that the applicant is proposing an energy efficient building that would include rooftop solar panels, a reduction in lumber costs due to framing techniques, and a 5% increase in energy efficiency.

Teague concluded that the proposed zoning to R-2 would be consistent with the R-2 zoning to the north and west. Teague pointed out there are four sites zoned R-1 on 49<sup>th</sup> Street West, and thirteen sites zoned R-2. In general, the duplexes on 49<sup>th</sup> Street West serve as a transition of land uses between the single-family homes to the north, and the commercial area at 50<sup>th</sup> and France.

### **Appearing for the Applicant**

Mathias Mortenson

### **Applicant Presentation**

Mr. Mortenson addressed the Commission and explained his client is an empty nester that is ready to move out of the house and move into a home that includes self-sufficient first floor living to serve their needs as they age. Mortenson also reported an elevator would be added to allow for access from the below grade parking to the upper floors.

Continuing, with graphics Mortenson pointed out the sustainable elements of the project to include rooftop solar panels, advanced framing techniques, high efficiency glazing, permeable hardscaping, materials with recycled content, low-flow fixtures among others.

Concluding, Mortenson said their goal is to be very considerate of the area and built a two-story double home with common entry and underground garage. Mortenson stood for questions.

### **Comments**

Chair Staunton asked Mr. Mortenson how access to the garages is gained. Mr. Mortenson explained that access for both units would be from the front street. Each unit is designed to have its own curb cut, driveway and garage access.

Chair Staunton noted that the subject site abuts a commercial area and the City's public ramp and asked about the potential for future expansion or redevelopment. Planner Teague responded there is potential for ramp expansion and the City has also discussed adding an additional level; however, an Amendment to the Comprehensive Plan would be needed to proceed.

Mr. Mortenson said that the topography works in their favor adding he understands if anything is proposed for change on the abutting properties they would be made aware of those changes. Chair Staunton said his one concern was if an additional level was added to the ramp it may block sun from the solar panels. Continuing, Staunton stated he certainly understands the rezoning request pointing out that R-2 has been a traditional buffer between commercial and R-1 residential.

Commissioner Carr commented that she understands the request to rezone; however, has a concern with the driveway and the height of the retaining walls needed for garage access. She asked Mr. Mortenson if he knows the height of the retaining walls and what would be needed to support the driveway and access to the garages. Mr. Mortenson responded that he believes the retaining walls could be as high as 9 ½-feet with two curb cuts on the lot to access the garages. Continuing, Commissioner Carr noted that the curb cuts on both sides of the units could create some safety issues especially because of the high retaining walls. She said she would hate to see someone fall off those walls. Mr. Mortenson responded that landscaping would be added along with a guard rail to ensure safety. Mortenson said he wants the feel and look of the building to be residential and softened with landscaping and other elements.

Commissioner Potts suggested that the applicant meet with City staff to discuss drainage measures between now and formal application. Potts said at first glance the proposal makes sense with regard to the rezoning; however, more specifics are needed especially on drainage to ensure a good project. Mr. Mortenson said the design team will consider ways to create more permeable driveways and patio areas and implement other measures to address drainage. Potts further suggested that at the time of application that all calculations be correct on lot coverage, setback, etc.

Commissioner Forrest acknowledged the sustainable measures implemented for the project; however, pointed out a tear down is harder on the environment than remodel. Continuing, Forrest said she is also concerned with the variances and the lack of outdoor space. Forrest questioned why two units. Mr. Mortenson responded that the client could look at the rationale of a second unit to provide a financial benefit or the client may wish to combine families. Mortenson stated that the request to rezone made sense given the apartment building to the east and multiple double dwelling units on the same block. Mortenson did acknowledge that the rezoning request would trigger the need for variances; reiterating they felt rezoning to a double made sense.

Commissioner Carr stated she agrees the rezoning makes sense; it's a good land use choice; however, she said she continues to be concerned with the two driveways. Carr said it's not only a safety issue for her but an aesthetic issue. She suggested revisiting this concept.

Commissioner Schroeder asked Planner Teague how this area is guided in the Comprehensive Plan. Planner Teague responded the Comp Plan guides this area as low density attached residential. Schroeder commented that it appears the rezoning moves this parcel more into compliance with the Comprehensive Plan. Continuing, Schroeder said he can support the rezoning; pointing out this parcel is also adjacent to an apartment building and other multiples. Schroeder also added he is concerned with guest parking and the common areas, adding that may need to be revisited. Mr. Mortenson said in this area guest parking is accommodated on the street or in the driveways. He also noted the near public ramp parking and the adjacent apartment building has a guest lot.

Commissioner Carr complemented Mr. Mortenson on his interest in developing a sustainable building.

Commissioner Forrest stated she really likes the concept of the shared front door and the flexibility this design provides for residents to "age in place".

Commissioner Kilberg said he applauds the project; however would like to see a more enhanced street view. Kilberg said in his opinion character needs to be added to the structure to give it a more residential feel. A landscaping should also be developed.

Chair Staunton commented that the proposed new home(s) sits on a hill and asked Mortenson if he knows how the height of the old and new buildings compares. Mr. Mortenson responded that he believes the new structure would be higher than what exists today; possibly by six-feet.

Chair Staunton said in summary he believes the request to rezone the subject site and build a double dwelling unit makes sense; however, there are concerns with drainage, building design, profile, garage access and building height that need to be further addressed and clarified.

Planner Teague informed Mr. Mortenson that the Sketch Plan will be forwarded to the City Council for their feedback before formal application is made.

Chair Staunton suggested to Mr. Mortenson that he provide the City Council with a narrative explaining their intent and final goal.

---

## **C. Tree Preservation Ordinance**

### **Planner Presentation**

Planner Teague reminded the Commission that this was discussed at their previous meeting on January 8<sup>th</sup>. Teague thanked Commissioners Platter and Carr for their work on the Tree

Ordinance and reported that at this time the City's attorney is reviewing the language, adding at first look the Attorney is considering placing this Ordinance in 411/Residential Reconstruction

### **Comments/Discussion**

Chair Staunton observed that it may make sense to place it there; however, 411 only addresses tear down rebuilds.

Commissioner Platteter said the revisions to the proposed Tree Ordinance were to capture canopy width, protected tree removal one for one, trees not identified as a protected species removable and capture a more inclusive "tree family" protected list.

Commissioner Carr said their research found that in general language referred to "family of trees" and questioned if omitting the "species" list adding "family of trees" would serve the Ordinance better.

Chair Staunton said in reference to species or family of trees it has always been difficult to know if too inclusive or less is best in any Ordinance language.

Commissioner Schroeder commented that in his opinion in this instance the City may want the advice of the City Forester in determining tree preservation. He said defining "family of trees" can be very complicated. Schroeder referred to the Ordinance part 2 6. B. disease resistant as another instance where Forester input would be valuable. He pointed out in #5 it indicates "if a protected tree is less than 5" in caliper, it must be moved to another location on the property, if impacted by areas in paragraph (7) below". Schroeder said not all trees of that size are worth moving, and in his opinion the City should have the forester review the tree before it's moved. Concluding, Schroeder said his focus and sensitivity is to the impact provided by the existing canopy of all trees and if that canopy is lost regardless of the tree, protected or not, that canopy is sorely missed and the Tree Ordinance should address this loss.

Platteter said he agrees with Commissioner Schroeder about the importance of the tree canopy; however found it difficult to write an ordinance that would reflect that.

Commissioner Scherer stated that in her opinion the Ordinance should be clearer; she noted "demo permits" and "building permits" are also required for internal modifications, adding a tree inventory should not be required for internal modifications. Commissioners agreed. Scherer also noted she recently had a bathroom updated, adding that required multiple building permits; however, in no way impacted trees. Concluding, Scherer said the intent of the proposed Ordinance needs to be clearer, adding originally she thought that this Ordinance applied to only tear down rebuilt properties.

Commissioner Platteter said the intent of the tree ordinance is to require a tree inventory for teardown rebuilds and any house modification that requires a building permit or demolition permit.

Commissioner Forrest said she likes the way the Ordinance is written; pointing out a permit is required for a new roof, adding roofers should be made aware of the trees on the site and keep their protection in mind during the roofing process. Commissioner Scherer reiterated in her opinion further clarification is needed; especially with #12.

Chair Staunton commented that when considering the suggestion from the City Attorney to place the Tree Ordinance in 411 in his opinion that location may not work. He pointed out as previously mentioned 411 is drafted solely for tear downs and rebuilds. Commissioner Platteter acknowledged that point, reiterating the intent of this Ordinance applies to anything that modifies a house size plus tear downs rebuilds. Staunton agreed adding the Commission isn't interested in inserting ourselves unless there is structural modification going on. Commissioners agreed.

Commissioner Potts questioned if the trees would be required to be depicted on a survey or some type of tree inventory document. Commissioners Platteter and Carr commented their intent at this time was to require a tree inventory; however there are options, the tree inventory can be depicted on the survey, but if not, a separate document would be required.

The discussion ensued with Commissioners in agreement to move forward with the Tree Ordinance; however, tweak it as discussed for final draft review at the next Commission meeting on February 26<sup>th</sup>. The final draft would be forwarded to the City Council for their comments and review.

## **VII. CORRESPONDENCE AND PETITIONS**

Chair Staunton acknowledged back of packet materials, Council Connection and Attendance.

## **VIII. CHAIR AND COMMISSION MEMBER COMMENTS**

## **IX. STAFF COMMENTS**

## **X. ADJOURNMENT**

Commissioner Fischer moved meeting adjournment at 8:15 PM. Commissioner Scherer seconded the motion. All voted aye; motion carried.

---

Respectfully submitted